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EXAMINER

NGUYEN, TAN D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/029,769	Applicant(s) RILEY ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

I. Response to Amendment

1. The amendment of 2/26/09 has been entered. Claims 1-8, 10, 12-67 are pending. Independent claims 1, 40 and 47 have been amended.

II. Claim Status

2. Claims 1-8, 10, 12-67 are pending. They comprise 5 groups:

1) method¹: 1-8, 10, 12-39 (claims 9 and 11 are canceled),

2) method²: 40-46,

3) method³: 47-52,

4) system¹: 53-63, and

5) system²: 64-67.

System²: 64-67, appear to be broadest set with minimum numbers of claims and will be examined first.

As of 2/26/09, independent system claim 64 is as followed:

64. (Previously presented) A service desk for customers selected from the group consisting of an internal customer, an external customer, a global customer and an e-commerce customer, the service desk comprising:

a) a service desk computer network accessible by customers;

b) a system for solving problems and incidents reported by customers, wherein the system for solving problems and incidents determines a type of request from the customer, categorizes the request, calculates a priority value for

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the request, wherein the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request, and assigns the priority value to the request;

c) a system for confirming resolution of the problems and incidents reported;

d) a system for closing said problems and incidents; and

e) at least one service desk repository for storing information useful in solving problems and incidents, said repository accessible by the computer network.

Note: for convenience, letters (a)-(e) are added to the beginning of each element.

Also: independent claim 64 is (appears to be) an **apparatus** claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See (1) MPEP 2114. (2) *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does, i.e. "device which acts or performs ...". (3) *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Cir. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate

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apparatus from the prior art apparatus. (4) *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. “for customers selected ... e-commerce customer” in the preamble, “for solving problems ...” in element (b) and other elements, carry no patentable weight.

There are no tying such descriptions to positive claim language, such as produced when one uses the term “configured” or, even more positively, 35 U.S.C. 112, sixth paragraph language. Unlike the machine claim in *Prater* which used means plus function language to describe its device, *see Prater* at 1397-1398, Current claim 64 does not use such language, and thus should not be given the same interpretation of the machine claim in *Prater*. To do so would be to dilute the provisions of the statute. However, although the language is functional, we are nevertheless required to give the language weight to the extent that the prior art is or is not capable of meeting the functional limitation. *See In re Schreiber*, 128 F.3d 1473 (Fed. Cir. 1997).

As of 2/26/09, independent method claim 1 is as followed:

1. (Currently amended) A computer implemented method of providing a service desk capability, the method comprising:

1) a service desk computer network for performing the following:

a) receiving a request for service from at least one customer selected from the group consisting of an internal customer, an external customer, a global customer, and an e-commerce customer;

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b) logging the request;

c) categorizing the request, wherein the process of categorizing the request includes:

d) determining the type of request;

e) calculating a priority value for the request, wherein the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request; and

f) assigning the priority value to the request;

g) assigning the request for service;

h) resolving the request for service in accordance with the priority value;

i) confirming resolution of the request for service; and

j) closing the request for service.

Note: for convenience, letters (a)-(i), are added to the beginning of each step.

III. Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1, 3-8, 10, 11-20, 22-28, 30-33, 35-39 (method¹), 40, 42-46 (method²), 47-50, 52 (method³) are rejected under 35 U.S.C. 101 because the claimed invention is directed to more than one class of statutory subject matter.**

The independent method claim 1 begin by discussing "A computer implemented method of providing a service desk capability" but the body of claim 1 contains a "apparatus device", i.e. "a service desk computer network". As for the phrase "for performing the following: ...", this is considered as "intended use" of the computer network. "A claim of this type is precluded by the express language of 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only". See Ex parte Lyell (17 USPQ2d 1548).

Similarly, independent method claims 40 and 47, which have similar claim language and structure as in claim 1, are rejected for the same reasons set forth above.

IV. Claim Rejections - 35 USC § 112

5. **Claims 1, 3-8, 10, 11-20, 22-28, 30-33, 35-39 (method¹), 40, 42-46 (method²), 47-50, 52 (method³) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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6. Claims 1, 40 and 47, appear to be method claims, but does not appear to contain any method steps but having an apparatus claim feature format: “1) a service desk computer network for performing the following: ...”. As for the phrase “for performing the following: ...”, this is considered as “intended use” of the computer network, thus carrying no patentable weight.

V. Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 64-67 (system¹) and 53-63 (system²) are rejected under 35 U.S.C.

103(a) as being unpatentable over (1) GUSICK et al alone or in view of (2)

KHAUNTE and (3) LIAO et al.

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As for independent system claim **64**, similarly, in a method and system for monitoring customer request for service, **GUSICK et al** teaches a method for providing a service desk capability, comprising:

a) a service desk computer network accessible by customers;

{see Fig. 1, element 115, pars. [0029]}

b) a system [for solving problems and incidents reported by customers, wherein the system for solving problems and incidents determines a type of request from the customer, categorizes the request, calculates a priority value for the request, wherein the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request, and assigns the priority value to the request];

{see Fig. 1, Fig. 4, elements 420, 430, 440, 450, 480, Fig. 5, pars. [0004], [0055-0056]}

c) a system [for confirming resolution of the problems and incidents reported];

{see [0072] “*question is fully answered is preferably notified*”}

e) at least one service desk repository [for storing information useful in solving problems and incidents], said repository accessible by the computer network.

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{see Fig. 1, (100), (115), Fig. 5, elements 550, 555}

Note that the bracket "[...]" is used to indicate the limitations inside are considered as "intended use: i.e. "for solving...", "manner of operating the device or elements of the device, i.e. determines, categorizes, calculates, is calculated, and assigns", recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, and thus carrying no patentable weight in an apparatus claim as indicated above.

As for the limitations of the various features such as "calculates a priority value ...assigns the priority value to the request", the system of "determining the types", "categorizing", and "assigning.." of GUSICK et al as shown above is capable of carrying out these features since they have similar scope of categorizing and assigning the requests to maximize request answer efficiency.

Therefore, GUSICK et al fairly teaches the claimed invention except for explicitly discloses "(d) system for closing the request for service", however, in view of the general teaching of monitoring/tracking the progress with deadline, it would have been obvious to include well known step of closing the request when answer to question has been met in order to make the record clear.

In a method for service management of client/customer's request, **KHAUNTE** fairly teaches the elements of (a)-(e) above with further well known information with respect to the (b) categorizing step such as

b1) determining the type of request;

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b2) calculating (or determining) a priority value for the request in accordance with the type of request at the time of receiving the request; and

b3) assigning the priority value to the request in order to provide a technique for servicing traffic corresponding to a plurality of differentiated levels within a particular service class which is easily scalable and which can support any number of service levels without incurring overhead of maintaining separate FIFO queues for each priority level and to avoid starvation of low priority traffic. {see cols. 1, 3-4, and Figs. 4, 5, 7A, 7B, 8A and 8B}. It would have been obvious to modify the teaching of GUSICK et al by modifying the categorizing step to include further detailed steps such as b1-b3 as taught by KHAUNTE to provide a technique for servicing traffic corresponding to a plurality of differentiated levels within a particular service class which is easily scalable and which can support any number of service levels without incurring overhead of maintaining separate FIFO queues for each priority level and to avoid starvation of low priority traffic. {see cols. 1, 3-4, and Figs. 4, 5, 7A, 7B, 8A and 8B}.

In a method for service level management of client/customer's request, **LIAO et al** fairly teaches the steps of allocating of limited resources, i.e. limited bandwidth capacity, by categorizing the service request into different classes, "EF", "AF", and "BE" to control impact /severity of service or criticality of a function affected by the request, i.e. low delay, low jitter, and low packet loss, loss of data, etc., based on the service above and minimize service agreement violation {see [0050]-[0056]} This would also enable quantitative service differentiation, improve network utilization, and increase the variety of the network services that can be offered to the customer {see [0005]}. Note

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also that the limitation of “a resolution urgency”, which is the last parameter for calculating a priority value number (data) for the request, is considered as non-functional descriptive material and has no patentable weight. It’s merely further limit a data that is used in the calculating/determining step. Furthermore, this limitation is inherently included in the teachings of LIAO et al as covered by the different classes as cited in the classification above. It would have been obvious to modify the teaching of GUSICK et al/KHAUNTE by modifying the categorizing step to include further detailed steps such as b2 as taught by LIAO et al to avoid violation of service agreement in a limited bandwidth resources {see [0055]}.

As for dep. claim 65 (part of 64 above), which deals with the system further comprises a tool, selected from the group consisting of "...", this appears to be taught in Figs. 1, elements 140, 142, 144, 146, 100, and Figs. 5-6. Furthermore, the tool appears to be non-structural elements, i.e. services such as id service, distribution, integration, etc., thus having no patentable weight in an apparatus claim. Also, the term “selected from” is non-structural element for feature and is considered as recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, and thus carrying no patentable weight in an apparatus claim as indicated above.

As for dep. claim 66 (part of 64 above), which deals with the system further comprises a system “for gathering data...”, this is taught in Figs. 1, elements 140, 142, 144, 146, 100, and Figs. 5-6. Furthermore, “for gathering data” is considered as “intended use”, and thus carrying no patentable weight in an apparatus claim as indicated above.

As for dep. claim 67 (part of 64 above), which deals with the types of request, selected from the group consisting of "...", this appears to be taught in Figs. 1, elements 140, 142, 144, 146, 100, and Figs. 5-6. Furthermore, the types of request are non-structural elements, i.e. services/entities such as IT, HR, etc., thus having no patentable weight in an apparatus claim. Also, the term "selected from" is non-structural element for feature and is considered as recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, and thus carrying no patentable weight in an apparatus claim as indicated above.

As for independent system claim 53, which basically has the same scope/claim language as in independent system claim 64, except for the "members" in the group in the "preamble", which do not have patentable weight, it's rejected for the same reason set forth in the rejection of independent system claim 64 above.

As for dep. claims 54-63 (part of 53 above), they basically have the same types of limitations and issues similar to dep. claims 65-67 (of 64 above), and are rejected for the same reasons set forth above. Furthermore, they are related to the elements "system for" of claim 53 which do not carry patentable weight since they are considered as "intended use" as indicated above.

VI. Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 3-8, 10, 11-20, 22-28, 30-33, 35-39 (method¹), 40, 42-46 (method²), 47-50, 52 (method³) are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GUSICK et al.

As of 2/26/09, independent method claim 1 is as followed:

1. (Currently amended) A computer implemented method of providing a service desk capability, the method comprising:

1) a service desk computer network for performing the following:

a) receiving a request for service from at least one customer selected from the group consisting of an internal customer, an external customer, a global customer, and an e-commerce customer;

b) logging the request;

c) categorizing the request, wherein the process of categorizing the request includes:

d) determining the type of request;

e) calculating a priority value for the request, wherein the priority value is calculated in accordance with the type of request, an impact of the request, a severity of the request, a criticality of a function affected by the request, and a resolution urgency of the request at the time of receiving the request; and

- f) assigning the priority value to the request;
- g) assigning the request for service;
- h) resolving the request for service in accordance with the priority value;
- i) confirming resolution of the request for service; and
- j) closing the request for service.

Note: for convenience, letters (a)-(i), are added to the beginning of each step.

12. Note that the amended claim only calls for a device which is "1) a service desk computer network for performing the following: ...". As for the phrase "for performing the following: ...", this is considered as "intended use" of the computer network, thus carrying no patentable weight.

As for claim 1, similarly, in a method and system for monitoring customer request for service, **GUSICK et al** teaches a method for providing a service desk capability, comprising a service desk computer network for performing tasks. {see Fig.1, element 100, pars. [0028-0036]}. Furthermore, as for the various tasks under the "intended use" feature, they are also taught in GUSICK et al or the method/system of GUSICK et al are capable of carrying out these similar tasks.

Similarly, independent method claims 40 and 47, which have similar claim language and structure as in claim 1, are rejected for the same reasons set forth above.

As for dep. claims 3-8, **10**, **11-20**, **22-28**, **30-33**, **35-39 (method¹)**, and **42-46 (method²)**, **48-50**, **52 (method³)**, they are rejected for the same reasons set forth in the independent claims because they are merely features related to the steps.

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13. Claims 1, 3-8, 10, 11-20, 22-28, 30-33, 35-39 (method¹), 40, 42-46 (method²), 47-50, 52 (method³), 53-63 (system), and 64-67 (system) are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over (1) GUSICK et al in view of (2) KHAUNTE and (3) LIAO et al or further in view of (4) COGGER et al.

Similarly, in a computer implemented method and a computer network system for monitoring customer request for service, **GUSICK et al** teaches a method for providing a service desk capability, comprising the steps of:

(a) receiving information (a request for service) from at least one customer selected from the group consisting of an internal customer, an external customer, a global customer, and an e-commerce customer {see Fig. 1, (140), Fig. 2, (200) “requestor has a question”, [0003 “customer service support system”] and the different types of customers listed, [0006]};

(b) logging (or recording) the request {see [0057 “*recording*”];

(c) categorizing (classifying) the request {see [0004 “*categorizes, organizes*”];

(d) assigning the request for service {Fig. 4, 420-470 (“Forward/Assign”), [0058 “the assignment of questions”]};

(e) resolving the request for service {[Fig. 4, 410, 450 (“Answer Question”)];

(f) confirming (notification) resolution of the request for service {see [0072] “*question is fully answered is preferably notified*”; and

(g) monitoring the progress by providing a valid start date and a valid end date for the request for service {see [0109]}. As for the limitation of “closing the request for service” in the last step, in view of the general teaching of monitoring/tracking the

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progress with deadline, it would have been obvious to include well known step of closing the request when answer to question has been met to make the record clear. GUSICK et al fairly teaches the claimed invention except for well known facts or steps for categorizing of step (c.) above such as steps (c1)-(c3).

In a method for service management of client/customer's request, **KHAUNTE** fairly teaches the steps of (a)-(f) above with further well known information with respect to the (c.) categorizing step such as

c1) determining the type of request;

c2) calculating (or determining) a priority value for the request in accordance with the type of request at the time of receiving the request; and

c3) assigning the priority value to the request in order to provide a technique for servicing traffic corresponding to a plurality of differentiated levels within a particular service class which is easily scalable and which can support any number of service levels without incurring overhead of maintaining separate FIFO queues for each priority level and to avoid starvation of low priority traffic. {see cols. 1, 3-4, and Figs. 4, 5, 7A, 7B, 8A and 8B}. It would have been obvious to modify the teaching of GUSICK et al by modifying the categorizing step to include further detailed steps such as c1-c3 as taught by KHAUNTE to provide a technique for servicing traffic corresponding to a plurality of differentiated levels within a particular service class which is easily scalable and which can support any number of service levels without incurring overhead of maintaining separate FIFO queues for each priority level and to avoid starvation of low priority traffic. {see cols. 1, 3-4, and Figs. 4, 5, 7A, 7B, 8A and 8B}.

In a method for service level management of client/customer's request, **LIAO et al** fairly teaches the steps of allocating of limited resources, i.e. limited bandwidth capacity, by categorizing the service request into different classes, "EF", "AF", and "BE" to control impact /severity of service or criticality of a function affected by the request, i.e. low delay, low jitter, and low packet loss, loss of data, etc., based on the service above and minimize service agreement violation {see [0050]-[0056]} This would also enable quantitative service differentiation, improve network utilization, and increase the variety of the network services that can be offered to the customer {see [0005]}. Note also that the limitation of "a resolution urgency", which is the last parameter for calculating a priority value number (data) for the request, is considered as non-functional descriptive material and has no patentable weight. It's merely further limit a data that is used in the calculating/determining step. Furthermore, this limitation is inherently included in the teachings of LIAO et al as covered by the different classes as cited in the classification above. It would have been obvious to modify the teaching of GUSICK et al/KHAUNTE by modifying the categorizing step to include further detailed steps such as c2 as taught by LIAO et al to avoid violation of service agreement in a limited bandwidth resources {see [0055]}.

In another method for monitoring customer request for service, **COGGER et al** teaches a method for providing a service desk capability, comprising the step of receiving the request information, tracking the request, and clearly indicate the status of the request: Open, Closed, Referred or Cancelled status {see col. 19, lines 1-5}. It would have been obvious to modify the teachings of GUSICK et al/MANGIPUDI et al

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/LIAO et al by clearly indicate the status of the request by closing the request upon completion of the request as taught by COGGER et al above.

As for dependent claims 3, 6 (part of 1 above) which deal with information receiving parameters, telephone call, internet message, etc., these are fairly taught in [0004], [0006], Fig. 6 (600). The selection of other well known information communication would have been obvious to a skilled artisan as mere using well known communication method.

As for dependent claims 4, 5 (part of 1 above) which deal with the type of problem or question for the request (problem parameters), i.e. detection of a fault in an IT system, the type of problem is not critical to the scope of the claimed invention and this fairly taught in [0006]. information receiving parameters, telephone call, internet message, etc., these are fairly taught in [0004], Fig. 6 (600). The applying of the same customer service request management to any other problem or issue would have been obvious as mere applying the same steps to other similar problem/issue.

As for dependent claims 7, 8, 10 (part of 1 above) which deal with well known logging/recording parameters, these are fairly taught in [0057, 67-0070].

As for dependent claims 23-27 (part of 1 above) which deal with well known request (problem/issues) categorizing parameters, these are fairly taught in GUSICK et al or MANGIPUDI et al col. 7, lines 1-45, Figs. 1-2.

As for dependent claims 12-14, 22 (part of 1 above) which deal with well known request (problem/issues) assigning parameters, these are fairly taught in GUSICK et al [0019, 0064, 0068] or MANGIPUDI et al col. 7, lines 40-50.

As for dependent claims 15-17, 19-20, 28, 32 (part of 1 above) which deal with well known request (problem/issues) resolving parameters, i.e. diagnosing (analyze) the request, searching a knowledge base, resolving the issue, etc., these are fairly taught in [0004, 0019, 0060-0061].

As for dependent claims 18 (part of 1 above) which deal with well known request (problem/issues) closing parameters, these are fairly taught in [0019, 0066].

As for dependent claims 30-31 (part of 1 above) which deal with well known request (problem/issues) monitoring, tracking, and reporting parameters, these are fairly taught in [0067-0070].

As for dependent claim 33 (part of 1 above) which deal with service system parameters, these are fairly taught in Fig. 1, [0004], [0028].

As for dependent claim 35 (part of 1 above) which deal with well known request (problem/issues) parameters, these are fairly taught in [0003-0006]. As for the type of requested information or service, this is not essential to the scope of the claimed invention and would have been obvious to a skilled artisan to apply the service support system to any type of service or group.

As for dep. claims 36-39 (part of 1 above) which deal with service desk parameters, being properly staff and responding to calls/request within a time frame, these are fairly taught in [0007, 0008, 0109]. As for the specific numbers, these are relative subjective and would have been obvious to set these parameters if desired since no limitation with respect to “quality of the answer/response” are shown. In other

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word, if quality of the response/answer is not critical, one can achieve the desired staff, speed of answers, % returned calls and % success as claimed above.

As for independent method claim 40, which has similar limitation to independent method claim 1 above, it's rejected for the same reason set forth in claim 1 above.

As for dep. claims 42-46 (part of 40 above), they have similar limitations as in dep. claims 2, 31, 35, 37-39 (part of 1 above), and therefore, they are rejected for the same reasons set forth in dep. claims 2, 31, 35, 37-39 (part of 1 above).

As for independent method claim 47, which has similar limitation to independent method claims 1-2 above, it's rejected for the same reason set forth in claim 1 above.

As for dep. claims 48-50, 52 (part of 47 above), they have similar limitations as in dep. claims 3, 4, and 35 (part of 1 above), and therefore, they are rejected for the same reasons set forth in dep. claims 3, 4, 35 (part of 1 above).

As for independent system¹ claim 53, which is basically the system to carry out the method of claim 1 above, it's rejected over the system of GUSICK et al /KHAUNTE used for carrying out the method claim 1 above. Alternatively, it would have been obvious to a skilled artisan to set up respective system to carry out the method used in the rejection of claim 1 above.

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As for dep. claims 54-63 (part of 53 above), they have similar limitations as in dep. claims 19-22, 30-35 (part of 1 above), and therefore, they are rejected for the same reasons set forth in dep. claims 19-22, 30-35 above.

As for independent system² claim 64 which is basically the system to carry out the method of claims 1 and 4 above, it's rejected over the system of GUSICK et al / KHAUNTE /LIAO et al used for carrying out the method claims 1 and 4 above. Alternatively, it would have been obvious to a skilled artisan to set up respective system to carry out the method used in the rejection of claims 1 and 4 above.

As for dep. claims 65-67 (part of 64 above), they have similar limitations as in dep. claims 28, 30 and 34 (part of 1 above), and therefore, they are rejected for the same reasons set forth in dep. claims 28, 30 and 34.

Note, the various limitations with respect to customer service support system parameters such as effective rate of response, time of response, analyzing parameters, type of request (urgency levels), etc., are considered as parameters or variables and the adjustment of these parameters or variables are considered as routine experimentations, varying from each scenario, type of request, type of customer, etc. and would have been obvious to a skilled artisan in view of the general teachings of GUSICK et al or GUSICK et al /COGGER et al, absent evidence of unexpected results.

VIII. Response to Arguments

14. Applicant's arguments with respect to claims 1-8, 10, 12 and 12-67 have been considered but are moot in view of the new ground(s) of rejection which are caused by applicant's claim amendments.

IX. Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

No claims are allowed.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689